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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,548	03/08/2001	Tadashi Takaba	FUJS 18.380	5714

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KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

TRAN, PABLO N

ART UNIT PAPER NUMBER

2685

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,548

Applicant(s)

TAKABA ET AL.

Examiner

Pablo N Tran

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by *Parker* (6,603,755).

As per claim 1, *Parker* disclosed multimedia signal processing apparatus having a communication service unit having a plurality of types of signal processing modes corresponding to a plurality of types of communication service classifications; communication service classification identifying means for identifying, on the basis of signal processing request information on one call communicated from a higher-rank node, a communication service classification for said call; and mode control means for controlling a signal processing mode of said communication service unit to a mode suitable for the communication service classification identified in said communication service classification identifying means (fig. 7-8, col. 2/ln. 40-col. 3/ln.21).

As per claim 2, *Parker* disclosed the mode control means comprises external indication type mode control section for controlling said signal processing mode of said communication service unit in accordance with a mode setting instruction from an external device (fig. 3, col. 2/ln. 40-col. 3/ln.21, col. 5/ln. 10-col. 6/ln. 36).

As per claims 5-6, *Parker* disclosed storage means for storing a communication plurality of and controlling its own signal processing mode by loading selectively with a plurality of types of service control programs corresponding to said types of communication service classifications; mode selection control means for corresponding communication service control program from said storage means in accordance with a signal processing mode control indication from said mode control means (fig. 3, col. 2/ln. 40-col. 3/ln.21, col. 5/ln. 10-col. 6/ln. 36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Parker* (6,603,755) in view of *Shaffer et al.* (6,119,006).

As per claim 3, *Parker* disclosed such method of mode selection but not specifically a mode selection method base upon history information. However, such method of mode selection on the basis of history information to predict mode selection

is well known, as taught by *Shaffer et al.* (col. 2/ln. 38-col. 3/ln. 16). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method of communication mode selection, as taught by *Shaffer et al.*, to the communication system of *Parker* to minimize charges and enhance the quality of the call.

As per claims 7-8, the modified system of *Parker* further disclosed such prediction type mode control section includes time factor mode setting information (see *Shaffer et al.*, col. 2/ln. 38-col. 3/ln. 16).

As per claims 7-8, the modified system of *Parker* further disclosed storage means for storing a communication plurality of and controlling its own signal processing mode by loading selectively with a plurality of types of service control programs corresponding to said types of communication service classifications; mode selection control means for corresponding communication service control program from said storage means in accordance with a signal processing mode control indication from said mode control means (see *Parker*, fig. 3, col. 2/ln. 40-col. 3/ln.21, col. 5/ln. 10-col. 6/ln. 36).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sawada (6,421,44), Raffel (6,223,042), Bruhn (6,256,487), Monte et al. (6,023,606), Lee et al. (5,974,328), and Diekelman et al. (5,555,444) disclose radiotelephone communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN
PRIMARY EXAMINER**

September 30, 2004


AU2685